

REMARKS

With entry of the present amendment, claims 18-30 are pending. Claims 1-17 and 31-33 are canceled. Claims 18, 24 and 25 are amended. No new matter is believed to be presented by the foregoing amendments.

Entry of this amendment and reconsideration of the claims, as amended and in view of the following remarks, is requested.

As claim 1 is canceled, claim 18 is amended to be presented in independent form and to include the description of the erythropoietin conjugate previously found in claim 1.

Claim 24 is amended to include three specific N-terminus cleavage sites.

Claim 25 is amended to include histidine as the specific purification tag.

Claims 18-23 and 26-30 are indicated to be allowable.

The Section 102(e) Rejection

Compound claims 1-17 and 31-33 are rejected as being anticipated by US Patent 6,382,272 ('272 patent). For the reasons of record, applicants maintain their arguments that this rejection is legally improper. Nevertheless, to expedite prosecution of this application applicants' have canceled claims 1-17 and 31-33 and this rejection is thus overcome.

The Double Patenting Rejection

Claims 1-15 and 31-33 are also rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 and 10-14 of the '272 patent. Claim 16 is similarly rejected over claim 1 of the '272 patent. These rejections are also overcome by applicants' cancellation of claims 1-17 and 31-33.

The Section 102(b) Rejection

Claims 24 and 25 are rejected as being anticipated by Bill et al., Biochim. Biophys. Acta (1995) Mar) 1261(1): 35-43 ("Bill et al."). This rejection is overcome.

Claim 24 is amended to include reference to three specific N-terminus cleavage sites. These sites are not believed to be disclosed in Bill et al. Claim 25 is amended to include histidine as the specific purification tag. This tag is believed also not to be disclosed in Bill et al. As currently amended, these claims are believed to be patentable over Bill and the pending rejection is overcome.

CONCLUSION

The foregoing amendment is fully responsive to the Office Action issued June 6, 2005. Applicants submit that pending claims 18-30, as amended, are allowable. Early and favorable consideration is earnestly solicited.

If the Examiner believes there are other issues that can be resolved by telephone interview, or that there are any informalities remaining in the application which may be corrected by Examiner's Amendment, a telephone call to the undersigned attorney is respectfully solicited.

Applicants submit with this communication a Petition for Extension of Time and accompanying fees. Should the Patent Office determine that any additional fees are owed, or a credit is due to applicant, the Patent Office is hereby authorized to charge any required fees, including any extension of time and/or excess claim fees, or credit any overpayment, to applicant's Deposit Account 08-2525 as appropriate.

Respectfully submitted,



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